

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Isaac H. Tawes and Gordon C. Willis, copartners, trading as the Gordon C. Willis Co., Morehead City, N. C., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 23, 1929, from the State of North Carolina into the State of Massachusetts, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On April 13, 1931, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$1 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18244. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25630. I. S. No. 9801. S. No. 3917.)

Samples of canned pimientos from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On or about January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-half cases of pimientos, remaining in the original unbroken packages at Appalachia, Va., alleging that the article had been shipped by Von-Bremen-Asche-De Bruyn (Inc.), from New York, N. Y., in part on or about September 3, 1930, and in part on or about October 28, 1930, and had been transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Carola Fancy Sweet Red Peppers Pimientos * * * Von Bremen-Asche-De Bruyn, Inc., New York, N. Y., Sole Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18245. Adulteration of canned salmon. U. S. v. 270 Cases of Canned Salmon. Consent decree of destruction entered. (F. & D. No. 25331. I. S. No. 8794. S. No. 3606.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On November 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 270 cases of canned salmon at Uniontown, Pa., alleging that the article had been shipped by the F. A. Gosse Co., from Seattle, Wash., on or about September 11, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Reynard Brand Pink Salmon * * * Packed for Fox Grocery Company, Charleroi, Pa., Uniontown, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 25, 1931, the Fox Grocery Co., Charleroi, Pa., having appeared as claimant, and having consented to the forfeiture and condemnation of the product, judgment was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18246. Adulteration of canned pimientos. U. S. v. 135 Cartons of Pimientos. Consent decree entered. Product ordered released under bond. (F. & D. No. 25818. I. S. No. 20544. S. No. 4055.)

Samples of pimientos in glass from the shipment herein described having been found to be decomposed and under-processed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 cartons, each containing 24 jars of pimientos, at Cleveland, Ohio, alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about October 15, 1930, and had been transported from the State of Georgia into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Royal King Brand * * * Pimientos Grown & Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 5, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be disposed of in violation of the food and drugs act and other existing laws. The decree provided further that upon failure to recondition the product in accordance with the said bond, it be condemned and sold by the United States marshal under such terms and conditions as would not violate the food and drugs act, or be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18247. Adulteration of canned salmon. U. S. v. 4,350 (1,271) Cases of Salmon. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 25203. I. S. Nos. 1100, 1191, 1194, 2054. S. No. 3478.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4,350 cases, each containing 48 cans of salmon, at Seattle, Wash. Subsequently the libel was amended to cover the 1,271 cases which were all of the product seized by the United States marshal. It was alleged in the libel, and in the exhibit attached thereto and made a part thereof, that the article had been shipped on or about September 2, 1930, by the Superior Packing Co., in interstate commerce from Tenakee, Alaska, into the State of Washington and that having been so transported, it remained unsold in the original unbroken packages at Seattle, Wash., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 30, 1931, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the interstate shipment and identity of samples, the case came on for trial before the court. Evidence having been introduced on behalf of the Government and claimant, the court took the case under advisement. Before the entry of final judgment, however, the court ordered that the case be reopened and that a joint examination of further samples be conducted. On March 27, 1931, the results of the joint examination of samples were presented to the court, and arguments by counsel for the Government and claimant were heard. On March 30, 1931, the court handed down its findings of fact and conclusions of law, which were embodied in the decree entered on the same date sustaining the allegations of the libel and ordering condemnation and forfeiture of the product. The decree provided, however, that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that the portion that was not adulterated be separated from the portion that was decomposed, under the supervision of this department, and that the former be released and the latter destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18248. Adulteration and misbranding of Maple Maid sirup. U. S. v. 11 Cases of Maple Sirup. Default decree of forfeiture and sale. (F. & D. No. 22785. I. S. No. 9916-x. S. No. 812.)

Examination of the product herein described showed that it was a sirup made from cane sugar and maple sugar, with the former predominating, the